

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF
AMERICA

AND

THE MINISTER OF FOREIGN AFFAIRS
AND INTERNATIONAL COOPERATION AND THE MINISTER OF
EQUIPMENT AND TRANSPORTATION
OF THE REPUBLIC OF DJIBOUTI

CONCERNING

COOPERATION TO PREVENT
THE ILLICIT TRAFFICKING IN NUCLEAR AND OTHER
RADIOACTIVE MATERIAL



The Department of Energy of the United States of America, constituting one Signatory,
and

the Minister of Foreign Affairs and International Cooperation and the Minister of
Equipment and Transportation of the Republic of Djibouti, constituting one Signatory,

Hereinafter referred to collectively as the "Signatories";

DESIRING to cooperate to prevent the illicit trafficking in nuclear and other radioactive
material through technical and methodological cooperation, including the improvement
of technical systems for the detection and identification of these materials at Djibouti's
points of entry/exit,

Have reached the following understanding:

Article 1 Scope of Cooperation

1. The Department of Energy, through its National Nuclear Security Administration, may provide technical assistance, at no cost to the Government of the Republic of Djibouti, in the form of equipment and materials, as well as training and services, for use at points of entry/exit in Djibouti as mutually determined by the Signatories, for the purpose of detecting and interdicting illicit trafficking in special nuclear material and other radioactive material.
2. As used in this Memorandum of Understanding:
 - a. "DOE" means the Department of Energy of the United States of America;
 - b. "MAECI" means the Ministry of Foreign Affairs and International Cooperation;
 - c. "MET" means the Ministry of Equipment and Transportation;
 - d. "special nuclear material" means plutonium, and uranium enriched in the isotope U-235;
 - e. "other radioactive material" includes, but is not limited to, radioactive sources suitable for use in radiological dispersal devices.

3. DOE's technical assistance may include:
 - a. delivery and installation at selected locations in Djibouti mutually determined by the Signatories of equipment adapted as appropriate for customs control conditions, including testing, setup, and demonstration of the equipment;
 - b. delivery of spare parts kits, test equipment and other maintenance equipment to maintain the DOE-provided equipment;
 - c. training of appropriate Republic of Djibouti personnel in detection of special nuclear material and other radioactive material, and in the proper use and maintenance of equipment provided by the DOE;
 - d. technical support for maintenance of the equipment provided by DOE, as set forth in a maintenance and sustainability plan mutually determined by the DOE and the MET; and
 - e. additional areas of cooperation of mutual interest to the Signatories.
4. With approval by the MET, upon request by DOE, representatives of DOE may conduct technical evaluations of the equipment supplied in accordance with this Memorandum of Understanding.
5. The DOE and the MET may conduct technical workshops, consultations, site surveys, engineering surveys, verification inspections and acceptance testing of materials and installed equipment.
6. Joint working groups of technical experts may be formed to exchange technical information and to make proposals on technical and training matters to ensure the effective implementation of this Memorandum of Understanding.
7. DOE and the MET or their implementing agents intend to conclude contracts or other written arrangements setting forth the terms of any technical assistance provided under this Memorandum of Understanding.
8. The MET should endeavor to ensure that equipment and materials provided under this Memorandum of Understanding are afforded priority processing to allow prompt engineering approvals, and equipment and materials deliveries to their ultimate destination in Djibouti.

Article 2
Provision of Information

The MET is to furnish, through MAECI, to the United States Government, through its representatives present in Djibouti as designated by the DOE, data on any detections or seizures of special nuclear material and other radioactive material made as a result of the use of the equipment and materials supplied under this Memorandum of Understanding.

Article 3
Non-Transfer of Equipment

Unless the written consent of the DOE has first been obtained, the MET and the MAECI are not to transfer title to, or possession of, any equipment provided by the DOE pursuant to this Memorandum of Understanding, other than to other bureaus, agencies or departments of the Government of the Republic of Djibouti.

Article 4
Tax and Customs Treatment of Equipment

The Signatories understand that the DOE and its designated implementing agents are not to pay any taxes, duties or other charges on equipment, materials, training or services provided under this Memorandum of Understanding.

Article 5
General Provisions

1. This Memorandum of Understanding represents a political commitment by both sides and does not constitute a legally binding agreement.
2. All activities of each Signatory and its designated implementing agents under this Memorandum of Understanding should be carried out in accordance with the laws and regulations of that Signatory's Government and applicable international agreements to which that Signatory's Government is party.

Article 6
Effective Date, Modification, and Duration

1. Implementation of this Memorandum of Understanding may begin upon signature by both Signatories.
2. This Memorandum of Understanding may remain in effect for three years and may be renewed in writing by the Signatories.
3. This Memorandum of Understanding may be modified in writing by the Signatories' mutual consent. Any such modification is to take effect upon signature by the Signatories.
4. If either Signatory wishes to end its cooperation under this Memorandum of Understanding, it should endeavor to provide at least 90 days' advance written notice to the other Signatory.

Signed at Djibouti, this *11* day of *December*, 2008, in triplicate, in the English and French languages.

FOR THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA:

James Swan

THE MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
AND THE MINISTER OF EQUIPMENT AND TRANSPORTATION
OF THE REPUBLIC OF DJIBOUTI:



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